

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 20 and 24 have been amended. Claims 2-3, 5-8, 10-11, 13-19, 21, 23, 26-30, 33 and 36 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1, 4, 9, 12, 20, 22, 24-25, 31-32 and 34-35 are presented for examination.

35 U.S.C. § 112 Rejection

Claims 1, 20 and 24 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 20 and 24 have been amended, which obviates the rejection.

35 U.S.C. § 103 Rejection

Claims 1, 4, 9, 12, 13, 20, 22, 24, 24 and 31-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Achour, et al., U.S. Patent No. 6,363,260 ("Achour") in view of Jungck., et al., U.S. Patent Publication No. 2002/0009079 ("Jungck").

As an initial matter, Applicant respectfully disagrees with the Examiner's characterization of the cited references and the pending claims. Therefore, Applicant maintains arguments set forth in Responses filed against previous Office Actions. However, for the sake of expediting issuance of this case, Applicant further amends the independent claims and provides the following remarks.

Claim 1, as amended, recites:

A method comprising:
generating a preferred list of edge sites from a plurality of edge sites upon
receiving a media content request from a client;
providing the preferred list to the client;

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selecting a first edge site from the preferred list as an active site;
requesting the media content from the first edge site;
receiving the media content at the client, the media content being delivered from the first edge site;
monitoring the media content being delivered from the first edge site to the client for one or more of quality of the media content being delivered, and an amount of the media content already delivered;
determining whether a disturbance has occurred, the disturbance including pausing of the media content from being delivered due to one or more of network congestion, and a loss of network connection; and
upon detecting the disturbance, selecting a second edge site from the preferred list as a new active edge site to continue to deliver the media content to the client, if the second edge site satisfies a plurality of factors, the plurality of factors including one or more of the new active edge site having the media content, the new active edge site being capable of delivering an uninterrupted stream of the media content, the new active edge site being capable of delivering the media content at an acceptable quality level, geographical proximity of the new active edge site, and network availability of the active edge site, wherein the acceptable quality level of the media content is determined by sampling portions of the media content obtained from the plurality of edge sites and comparing the portions against quality of other media content displayed at the client.

(emphasis added)

Applicant respectfully submits that Achow and Jungck neither individually nor when combined in any combination teach or reasonably suggest at least “upon detecting the disturbance, selecting a second edge site from the preferred list as a new active edge site to continue to deliver the media content to the client, if the second edge site satisfies a plurality of factors, the plurality of factors including one or more of the new active edge site having the media content, the new active edge site being capable of delivering an uninterrupted stream of the media content, the new active edge site being capable of delivering the media content at an acceptable quality level, geographical proximity of the new active edge site, and network availability of the active edge site, wherein the acceptable quality level of the media content is determined by sampling portions of the media content obtained from the plurality of edge sites and comparing the portions

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against quality of other media content displayed at the client" as recited by claim 1 (emphasis added). Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 20 and 24 include limitations similar to those of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 20 and 24 and their dependent claims.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

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The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: July 19, 2007


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